

EXPRESS MAIL NO.: EV463247148US
Deposited On: March 28, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No. : 10/666,832 Confirmation No.: 6841
Applicant(s) : Donald E. Weder
Filed : 09/17/2003
TC/A.U. : 3644
Examiner : F. Palo
Title : METHOD OF COVERING A POTTED PLANT
Docket No. : 8403.952
Customer No. : 30589

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Sir:

Kathryn L. Hester, having a mailing address of P.O. Box 16370, Oklahoma City, Oklahoma 73113, in the County of Oklahoma and the State of Oklahoma, represents that she is authorized to sign on behalf of Petitioner/Assignee.

The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to said **U.S. Patent No. 6,662,496**, issued on December 16, 2003, assignment recorded on February 10, 2003, Reel 013753, Frame 0576.

The Family Trust U/T/A dated December 8, 1995, owns one hundred percent (100%) of the right, title and interest in and to the above-identified patent application, **U.S. Serial No. 10/666,832**, filed on September 17, 2003, assignment recorded on February 10, 2004, Reel 014976, Frame 0097.

The assignment documents relating to **U.S. Patent No. 6,662,496**, and to the above-identified application **U.S. Serial No. 10/666,832** have been reviewed and certified by Petitioner/Assignee and, to the best of Petitioner/Assignee's knowledge and belief, title is in the Petitioner/Assignee seeking to take this action.

Petitioner/Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. § § 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of **U.S. Patent No. 6,662,496**.

Petitioner/Assignee further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

that the legal title to said patent shall be the same as the legal title to **U.S. Patent No. 6,662,496**.

This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

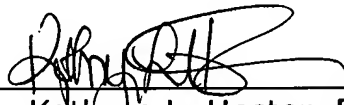
In making the above disclaimer, Petitioner/Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, and of the term as presently shortened by any terminal disclaimers of **U.S. Patent No. 6,662,496** in the event that **U.S. Patent No. 6,662,496** later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §§ 154-156 and 173 prior to the expiration of the full statutory term(s) as presently shortened by any terminal disclaimer(s), except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

3-28-05
(Date)

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[X] Terminal disclaimer fee under 37 CFR 1.20(d) included.

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FRENCH REPUBLIC

PATENT FOR INVENTION

MINISTÈRE DE L'INDUSTRIE
(DEPARTMENT OF INDUSTRY)

Minutes: No 953,242

Record : [No 1,376,047]

SERVICE DE LA PROPRIÉTÉ INDUSTRIELLE
(PATENT OFFICE)

International Patent Classification : A 01 g — B 65 d

Packaging Process For Horticultural Plants Or Other Applications

Company's Name: "SOCIÉTÉ AGRICOLE ET FONCIÈRE DE LA PIVERDIÈRE"
Residing in France (Maine-et-Loire)

Ink stamp: Feb. 5, 1965

Application Date and Place: November 8, 1963 at 05:00 P.M., Paris.

Issuance: Arrêté (Ordinance) dated September 14, 1964

(Official Bulletin of the Propriété Industrielle, No 43/ 1964)

This invention mainly deals with a packaging process for horticultural plants and for other applications as well, and aims at packaging a plant, particularly in a pot, inside a packaging material entirely closed or non-ventilated at the top of the pot, allowing the maintenance of a permanent hygrometry rate sufficient enough to ensure the plant conservation and development for at least thirty days without any other care.

As a new industrial product, the peculiarity of the package lies in the fact that the material itself is transparent and supple, the so-called material covering the plants to be conserved.

Another feature of the invention involves packages of any sizes or any shapes, so they can fit the various plants needing protection. A package meeting the invention requirements is represented, as an non-exhaustive example, on the attached drawing, where:

- Figure 1 shows a plant inside a bag in compliance with the invention;
- Likewise, Figures 2 and 3 represent a view of a plant in another type of arrangement;
- Figure 4 represents another type of packaging, in that the material is perforated;
- Figure 5 shows another type of packaging, where the plant is placed into an open bag.

The main purpose of the invention is the placement of a plant, (1) or another item, into a bag (2) manufactured with a supple and transparent material, such as polyethylene, which allows to conserve for the pot (4) the required amount of hygrometry to ensure the plant conservation and the development continuity, with the peculiarity that the plant pot (4) is placed in a non-ventilated space inside the package

The designed bags (2) can be of any sizes or shapes to fit all kinds of plants (1) (See Figures 1 and 2).

In other designs and as in Figure 4, the bag (2) can have perforations (5) around the foliage area only, whereas the hygrometry rate required for the plant (1) to live will stabilize at the bag base, that is at the pot (4) height level.

As indicated in Figure 5, it is also possible to place the plant (1) inside a polyethylene bag (2) of which the top open part leaves the entire plant (1) in contact with air, whereas the required hygrometry rate is continuously maintained in the part of the bag enclosing the pot (4).

In the design described above, the tie is placed at the plant base.

The represented design (Figure 4) is used more for plants in which the foliage (1) hygrometry must be null, hence perforations (5) are made at the foliage level (1); as for the pot (4), it remains in the dense area where the hygrometry rate is at the required level, as we have mentioned, for a conservation duration that could reach at least thirty days.

On the other hand, the bag fastening (3) could be performed in different ways, but the pot must be always hermetic (See Figs; 1, 2 and 3).

As shown in Figure 5, the bag (2) is open at its top level, when placed upon plants (1) not requiring equally a substantial hygrometry rate.

This device has many benefits and in particular ensures plant conservation for a long duration, preventing the plants from drying up due to a lack of care.

Obviously, the invention is not limited to the designed examples described above and represented, and from which one could derive other design methods and shapes without leaving the framework of the invention.

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[No 1,376,047]

SUMMARY

The invention applies equally to the following features and to their various potential combinations:

1. A packaging process for horticultural plants and for other applications as well, and aims at packaging a plant, particularly in a pot, inside a package entirely closed or non-ventilated at the top of the pot, allowing the maintenance of a permanent hygrometry rate sufficient enough to ensure the plant conservation and development for at least thirty days without any other care.
2. The peculiarity of the package lies in the fact that the material itself is transparent and supple, the so-called material covering the plants to be conserved.
3. In particular, polyethylene is the preferred supple and transparent material of the designed bag.
4. Packages are of any sizes or any shapes, depending on the various types of protected plants which the package should fit.
5. The package has perforations in the event of a transparent bag covering a plant requiring a hygrometry grade close to zero for its foliage.
6. The bag is open at the top level, in the event of covering plants not requiring equally a substantial hygrometry rate.
7. The bag is closed by any means, such as welding, glue, etc.

Company's Name:

"SOCI...T... AGRICOLE ET FONCIERE DE LA PIVERDIERE"

By proxy:

BERT & KENAVENANT

[DRAWINGS]

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[No 1,376,047]

5 Plates - Plate I

Company's Name:

"SOCI...T... AGRICOLE ET FONCIERE DE LA PIVERDIERE"

Fig. 1

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5 Plates - Plate II

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Fig. 2

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Fig. 3

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Fig. 4

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5 Plates - Plate V

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Fig. 5
